

KELLY SIEGLER  
RONALD JEFFREY PRIBLE vs LORIE DAVIS

October 17, 2017

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J0659784 eb

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RONALD JEFFREY PRIBLE, JR. \*  
Plaintiff \*

VS. \* CIVIL ACTION NO.  
\* 4:09-cv-01896

LORIE DAVIS, DIRECTOR, \*  
TEXAS DEPARTMENT OF \*  
CRIMINAL JUSTICE, \*  
INSTITUTIONAL DIV. \*  
Defendants \*

VIDEOTAPED DEPOSITION OF KELLY SIEGLER

Date Edith A. Boggs, CSR

10-17-17 HOUSTON, TEXAS

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DEPOSITION OF KELLY SIEGLER

DEPOSITION AND ANSWERS of KELLY SIEGLER, taken  
before Edith A. Boggs, a certified shorthand reporter in  
Harris County for the State of Texas, taken at the law  
offices of Hilder & Associates, 819 Lovett Boulevard,  
Houston, Texas, on the 17th day of October, 2017,  
between the hours of 9:05 a.m. and 6:23 p.m.

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A P P E A R A N C E S

ATTORNEYS FOR PLAINTIFF:

Hilder & Associates, PC  
819 Lovett Boulevard  
Houston, Texas 77006

By: James G. Rytting, Esquire

AND

Reed & Scardino, LLP  
301 Congress Avenue, Suite 1250  
Austin, Texas 78701

By: Gretchen N. Scardino, Esquire

ATTORNEYS FOR DEFENDANTS:

Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

By: Tina J. Miranda, Esquire  
George A. d'Hemecourt, Esquire  
Kelli Weaver, Esquire

ATTORNEY FOR THE WITNESS, KELLY SIEGLER:

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Houston, Texas 77002

By: James Eloi Doyle, Esquire

ALSO PRESENT:

Mr. Dwayne Smith, Videographer

REPORTED BY:

Ms. Edith A. Boggs

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1 Q. Okay. What was done post 1999?

2 A. That's when I got the case.

3 Q. Yes. And what did you do when you started  
4 investigating the case?

5 A. Started from the beginning all over again.

6 Q. Did you interview witnesses?

7 A. Yes.

8 Q. Okay. But you didn't make any notes of those  
9 witnesses?

10 A. If I did, they're in the file.

11 Q. They would be in your work product file?

12 A. No. They would be in the file.

13 Q. How was the Herrera/Tirado case brought to the  
14 DA's attention?

15 A. Initially?

16 Q. Uh-huh.

17 A. I wasn't involved initially.

18 Q. Okay. Well, let's look at Exhibit 154, Page  
19 18. This is the handbook again. And it says that a  
20 potential charge may be brought to the DA's attention  
21 one of three ways. First, through the intake division  
22 following a law enforcement investigation, second,  
23 through a citizen's complaint to the DA's office or,  
24 three, through charges filed by a special division of  
25 the DA's office, for example, Special Crimes, or an

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1           A. One more time, I don't know what they had in  
2 1999. It could have been completely sufficient in 1999  
3 to move forward but I didn't have the case then. When I  
4 got the case, I wanted to be thorough, which included  
5 talking to Nathan Foreman, which I thought would be a  
6 waste of time and it turned out to be a waste of time.  
7 Irrespective of that, I made a decision to move forward  
8 on the case against Ronald Jeffrey Prible.

9           Q. Okay. Did you disclose to Mr. Prible's defense  
10 attorney that you had spoken with Mr. Foreman on August  
11 8th, 2001?

12           A. Mr. Prible's attorney, Terry Gaiser?

13           Q. Uh-huh.

14           A. We talked about Nathan Foreman. I don't know  
15 exactly if I told him about that conversation but we did  
16 discuss Nathan Foreman.

17           Q. I'm asking you if you told Mr. Gaiser or  
18 Mr. Wentz if you -- about the substance of your meeting  
19 with Mr. Foreman on August 8th, 2001?

20           A. I think I did.

21           Q. And you would have -- did you show him your  
22 notes from that meeting?

23           A. They were in the file.

24           Q. But he wasn't allowed to see your work product  
25 notes, was he?

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1 A. Those weren't -- that's not work product. My  
2 notes were in the file. Notes are notes. They're in  
3 the file.

4 Q. So, should they all be -- all your notes --

5 A. Yes.

6 Q. -- be viewable --

7 A. Yes.

8 Q. -- to the defense counsel?

9 A. Yes.

10 Q. Okay. So, you're saying that all of your --  
11 any -- any of your notes that were contained in the file  
12 would have been disclosed to defense counsel?

13 A. My notes would have been in the open file.

14 Q. Okay. So, you didn't take any notes out  
15 saying -- claiming work product protection over them  
16 before the defense came to review the file?

17 A. Not that I remember, no.

18 Q. Okay.

19 MS. SCARDINO: Let's take a short break and  
20 go off the record.

21 THE VIDEOGRAPHER: The time is 11:23. We  
22 are off the record.

23 (Short recess.)

24 THE VIDEOGRAPHER: This is the beginning of  
25 file 3. The time is 11:43. We are on the record.

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1 MS. MIRANDA: Okay. And if you -- before  
2 we do that, if you could just give me a few minutes to  
3 consult with them, then maybe we can come to -- I can  
4 figure that out.

5 MS. SCARDINO: That's fine.

6 MS. MIRANDA: Okay.

7 THE VIDEOGRAPHER: The time is 12:25.  
8 We're off the record.

9 (Lunch recess.)

10 THE VIDEOGRAPHER: This is the beginning of  
11 file 5. The time is 1:20. We are on the record.

12 Q. (BY MS. SCARDINO) Okay. Ms. Siegler, earlier  
13 we were talking about the open file policy that you said  
14 the DA's office had during this time period that  
15 Mr. Prible was prosecuted, and in that -- when a defense  
16 attorney came in to view the file, would they be able to  
17 take notes of what they were reading?

18 A. Yes.

19 Q. But they would not be able to make copies of  
20 the documents in the file; is that right?

21 A. Correct.

22 Q. And you testified that you had no work product  
23 file that you kept as such, correct?

24 A. Not per se, not necessarily, no.

25 Q. Okay. And that is because all of your work

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1 product would have been reviewable by the defense,  
2 right?

3 A. I'm trying to think of what work product might  
4 have come up in Prible early on. I can't think of what  
5 it would have been.

6 Q. Okay.

7 A. But my notes I wouldn't have considered work  
8 product.

9 Q. Okay. All notes -- any notes that you took  
10 working on this case would have been available to  
11 defense attorneys to see; is that right?

12 A. Yes.

13 Q. Okay. And how do you define work product?  
14 What's your understanding of that definition? The legal  
15 definition of work product.

16 A. We tried to keep most things not work product  
17 just because it was simpler.

18 Q. Okay. Do you -- do you know what the term  
19 "work product" -- how it's defined under the law?

20 A. Tell me.

21 Q. No, I'm asking you if you -- if you know?

22 A. No, I don't know the criminal definition of it.

23 THE VIDEOGRAPHER: I'm sorry, Ms. Scardino,  
24 can you put on the microphone.

25 MS. SCARDINO: I'm sorry.



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1 himself in the middle of a case to try and get himself a  
2 deal, like every other inmate in federal prison.

3 Q. Okay. And did you believe his story from this  
4 letter that he had heard Mr. Prible confess?

5 A. I did not believe his story for lots of  
6 reasons.

7 Q. Also, if you notice in this photo -- in this  
8 Exhibit 112, Mr. Gonzalez says that he knew about Jeff  
9 and Jeff's case before Jeff even got to the medium from  
10 the low. Did you see that?

11 A. I did see that.

12 Q. Okay. How might an inmate know that another  
13 inmate is going to be transferred to their unit of the  
14 prison?

15 MS. MIRANDA: Objection, form.

16 A. I have no idea. I didn't believe what this  
17 letter had to say.

18 Q. (BY MS. SCARDINO) And is that why you decided  
19 not to have Mr. Gonzalez testify against Prible in his  
20 case, because you determined that he was not credible?

21 A. Correct.

22 Q. Okay. Did you ever show Mr. Gaiser or  
23 Mr. Wentz this letter from Mr. Gonzalez?

24 A. It would have been in the file.

25 Q. Okay. So, your -- your testimony is yes, you

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1 did show it to them?

2 A. I don't know if they looked at it or not. It  
3 would have been in the file.

4 Q. It would have been in the file that you gave  
5 them to review when they came into your office to review  
6 the file?

7 A. Correct.

8 Q. And do you have any written record of what was  
9 in that file that you gave them to review?

10 A. No.

11 Q. Okay. You never made any notes about  
12 specifics?

13 A. The file was an open file. I've known Terry  
14 Gaiser for years. Any time he wanted to read the file,  
15 he could come. I would even bring it to court for him  
16 to read during docket call. "Here it is, Terry.  
17 Knock -- knock yourself out."

18 Q. Now, Exhibit 113 -- Exhibit 113 is a letter  
19 from Carl Walker, another inmate in FCI Beaumont, to you  
20 about Mr. Prible's case. Do you recognize this letter?

21 A. I do, but this is the only letter I noticed you  
22 all talk about in your petition where you don't have the  
23 envelope attached with the date. I'd like to see the  
24 date, please.

25 Q. Well, I'd like to see it also but it wasn't

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1 produced to us from your file.

2 A. That's odd.

3 Q. Do you think it should be in your file  
4 somewhere?

5 A. You should ask him that.

6 Q. Well, I'm asking you because you know what's in  
7 the file. Would you have kept that --

8 A. Yes.

9 Q. -- in your file?

10 A. Yes.

11 Q. Okay. So -- and it would be -- and in your  
12 mind, we should be able to review the entire file,  
13 right, that you had in this case?

14 A. No, I just want to know where the envelope is  
15 because you've attached the rest of the envelopes.

16 Q. Right. I've attached everything that was  
17 given -- I'll represent to you that was produced to us  
18 by the DA's office.

19 So, you've seen this letter before. Do you  
20 recognize it?

21 A. Okay.

22 Q. Okay. Now, why did you not use Carl Walker to  
23 testify against Mr. Prible?

24 A. I didn't believe him.

25 Q. Okay. Did you ever speak with him on the

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1 phone?

2 A. I don't even remember the name of Carl Walker.  
3 Unlike the other inmates whose names I do recognize, I  
4 don't remember Carl Walker's name.

5 And I also notice in this letter that he  
6 talks as if Prible had already been indicted, unlike the  
7 others, which, again, makes me wonder where is the  
8 envelope that went with this letter.

9 MS. SCARDINO: Objection, nonresponsive.

10 Q. (BY MS. SCARDINO) And I would very much like  
11 to see that envelope also, I would represent to you.  
12 So --

13 Okay. So, you chose -- you decided not to  
14 use Mr. Walker because you thought he was not credible?

15 A. Based on what he's saying here --

16 Q. What he's saying here?

17 A. -- it doesn't make sense.

18 Q. Okay. But you're saying that you showed this  
19 letter to Mr. Prible's defense team?

20 A. I'm saying it was in the file.

21 Q. So, you can't say for certain that you showed  
22 this letter to Mr. Prible's defense team?

23 A. I don't know what they read. The file was open  
24 for them to read whatever they wanted.

25 Q. Let's look at Exhibit 114.

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1 A. Yes.

2 Q. And you see it looks like there he's  
3 memorializing a meeting with Nathan Foreman on December  
4 10th, 2001, which would have -- which corresponds to the  
5 letter that I showed you earlier requesting a meeting  
6 with Mr. Foreman on that date?

7 MS. MIRANDA: Objection, form.

8 A. It does.

9 Q. (BY MS. SCARDINO) Do you see that? Were you  
10 present at this meeting with Mr. Bonds and Mr. Foreman?

11 A. If -- if Johnny would have been interviewing  
12 Nathan Foreman, I would have been there.

13 Q. Okay. Would you have taken notes on that  
14 meeting?

15 A. Not necessarily.

16 Q. If you had taken notes, where would they be?

17 A. They would be in the file but I probably didn't  
18 take any.

19 Q. You wouldn't have destroyed notes about that  
20 meeting or any other meeting, would you?

21 A. No. I didn't take a lot of notes.

22 Q. Let's look at Exhibit 78. Exhibit 78. Okay.  
23 Exhibit 78 I showed you earlier, so, you should have a  
24 copy of it, and it's that November 26th, 2001 fax from  
25 Johnny Bonds to Lieutenant Clark.

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1 Q. Okay. Let me show you Exhibit 109-4.  
2 Actually, I want to get you actually to read Exhibits  
3 109-2, 109-3 and 109-4 into the record because they're  
4 your work product notes, I believe.

5 A. Whoa.

6 MS. MIRANDA: Can I have a copy?

7 MS. SCARDINO: Yeah.

8 A. Where is the first page?

9 MR. DOYLE: Is that an extra one or did you  
10 already --

11 Q. (BY MS. SCARDINO) The first page of what?

12 A. What is this?

13 Q. This was produced by order of the Court after  
14 the Court's in camera review of your work product in  
15 this case.

16 A. But this just starts with something. What is  
17 the -- what does this go to?

18 Q. I wish I knew. I would like to know that as  
19 well but I don't. This was what was produced.

20 A. From the Prible file?

21 Q. Yes. And if you could read it into the record.

22 A. Okay.

23 Q. Appreciate it.

24 A. The first line on 109-2 -- that's a 109, right?

25 Q. Uh-huh.